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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,758	03/29/2001	Takashi Yamamoto	35.C15234	2682
5514 7590 09/13/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER LAO, LUN YI	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 09/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/819,758	YAMAMOTO ET AL.	
	Examiner	Art Unit	
	LUN-YI LAO	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 11-14, 19, 20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11-14, 19, 20 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-4, 11-14, 19-20 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The recitation of "the second operating unit being used to control the specific function of the controlled apparatus without using the operation panel" as cited in claims 1, 11 and 19 does not disclose in the specification. However, the specification disclose the second operating unit(311-315)(see figure 3 and paragraph 86) associated with specific functions depend upon an operation panel currently under the operation(see figures 2-3 and paragraph 80).

Claim Rejections - 35 USC § 103


2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

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to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 11-14 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludtke et al(6,421,069) in view of Hahm(5,949,351) and Griesau et al(6,507,306).

As to claims 1-4, 11-14 and 19-22, Ludtke et al teach a communication system comprising a control apparatus(18) that receives an operation panel(81 or 85 or 90) for operating a controlled apparatus from the controlled apparatus(10 or 88, 14 or 84, 19 or 89), the operation panel(81 or 85 or 90) including display elements(e.g. ) used to control a specific function of the controlled apparatus(e.g 10 or 80, video camera; 14 or 84, video cassette recorder; or 19 or 89, TV)(see figures 1-8, 10; column 5, lines 36-68; column 6, lines 1-6; column 8, lines 26-37; column 9, lines 1-68; column 10, lines 1-2 and lines 45-56); and a remote control device(see claim 32) having a first operation unit(e.g. cursor keys) for moving a cursor on the operation panel(81 or 85 or 90) and an enter key or a selection key) being used to control the specific function of the controlled apparatus e.g 10 or 80, video camera; 14 or 84, video cassette recorder; or 19 or 89, TV) (see figures 7-10; column 11, lines 36-48 and claim 32). Ludtke et al teach a control apparatus(18) having (a) a receiving unit(input interface) for receiving a control signal from the remote control device, and (b) a control unit(410) that controls the control apparatus(e.g 10 or 80, video camera; 14 or 84, video cassette recorder; or 19 or 89, TV) according to the control signal; wherein the a first command is sent from the control apparatus(18) to the controlled apparatus the controlled apparatus(e.g 10 or

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80, video camera; 14 or 84, video cassette recorder; or 19 or 89, TV) if it is determined by the control unit(18) that the specific display element in the operation panel is operated using the first operating unit the first command being used to control the specific function of the controlled apparatus(e.g 10 or 80, video camera; 14 or 84, video cassette recorder; or 19 or 89, TV)(see figures 1, 5-10; column 5, lines 36-68; column 6, lines 1-6; column 10, lines 3-68; column 11, lines 1-21 and lines 42-48).

Ludtke et al fails to disclose a second operation unit for operating a specific function of a controlled apparatus without using the operation panel and the control unit updates the operation panel using data sent from the controlled apparatus to the control apparatus in response to the second command.

Hahm teaches an operation apparatus(100)(see figure 1) comprising an apparatus comprising an operation apparatus having a first operating unit(105); a second operating unit(104, 106, 107) for operating a specific function of a controlled apparatus(120, 130, 140) without using the operation panel(menu 150)(see figure 11, column 3, lines 56-68 and column 4, lines 1-8); and a control unit(301-305) updates the operation panel(150) using data sent from the controlled apparatus(120, 130, 140) in response to the second command(see figures 1-8, 11; abstract; column 3, lines 56-68; column 4, lines 1-44; column 5, lines 13-68 and column 6, lines 1-33). It would have been obvious to have modified Ludtke et al with the teaching of Hahm, so the operation panel could be presented on a display as needed.

Griesau et al teach an operation apparatus comprising an operation apparatus(keyboard, 30) comprising a first operation unit(45 or cursor keys) and a

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second operating unit(e.g., 31-33, 50, 38) for operating a specific function(e.g. play, stop, rewind, Volume UP, Volume Down, Channel UP and Channel Down)(see figure 1-2; column 3, lines 30-51; column 5, lines 46-60 and column 6, lines 59-65). It would have been obvious to have modified Ludtke et al as modified with the teaching of Griesau et al, so a user could be more rapidly perform a specific function on a controlled apparatus by only presses a key on an operation apparatus without look at a display.

As to claims 2, 12 and 20, Ludtke et al as modified teach the control apparatus(18) for determine which one to the plural display elements(display elements on 81, 85 and 90) in the operation panel is operated(see figures 7-10; column 10, lines 3-68; column 11, lines 1-21 and lines 42-48).

As to claims 3, 13 and 21, Ludtke et al modified teach the control apparatus(18) is adapted to determine whether or nor to move a cursor on the display panel(see figures 7-10; and column 11, lines 42-48).

As to claims 4, 14 and 22, Ludtke et al as modified teach the control apparatus transmit a second command(e.g. Volume Up, Volume Down or Channel Up, Channel Down) to the controlled apparatus(e.g. TV) even the display panel is not display on the display unit(see Ludtke et al's figures 7-10; Griesau's figures 1-2 and column 4, lines 25-47).

Response to Arguments

4. Applicant's arguments with respect to claims 1-4, 11-14 and 19-22 have been considered but are moot in view of the new ground(s) of rejection.

Applicants argue that Hahm does not teach a control unit of a control apparatus updates an operation panel using data sent from the controlled apparatus to the control apparatus in response to a second command on page 10. The examiner disagrees with that. However, Hahm teaches a control unit(441) of a control apparatus(100) updates an operation panel(150) using data sent from the controlled apparatus(120, 130, 140) to the control apparatus(100) in response to a second command(106)(see figures 1, 4, 5, 12; column 3, lines 56-68; column 4, lines 1-14; column 5, lines 23-33 and column 7, lines 53-63).

Applicants argue that Hahm does not teach a second operating unit which is used to control the specific function of the controlled apparatus without using the operation panel on page 10. The examiner disagrees with that since Hahm teaches a second operating unit(104, 106, 107) which is used to control the specific function of the controlled apparatus(120, 130, 140) without using the operation panel(menu 150)(see figures 1-2, 5; column 3, lines 56-68; column 4, lines 114 and column 5, lines 13-33).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

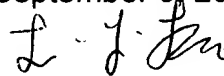
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lun-yi Lao whose telephone number is 571-272-7671. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 9, 2007

A handwritten signature in black ink, appearing to read 'L. Y. Lao', is written over the printed name.

Lun-yi Lao
Primary Examiner